

MARVIN McDADE, LARSON R. BILL,	:	Order Dismissing Appeal
WILFRED BRADY, EDNA TYBO,	:	
DALLAS SMALES, and FLOYD BILL,	:	
Appellants	:	
	:	Docket No. IBIA 98-60-A
v.	:	
	:	
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 20, 2000

Appellants Marvin McDade, Larson R. Bill, Wilfred Brady, Edna Tybo, Dallas Smales, and Floyd Bill seek review of decisions issued on January 5, 1998, by the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning cancellations of assignments of tribal land on the South Fork Indian Reservation.

The South Fork Band is one of the constituent bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada. The Tribe operates under a Constitution which was adopted on August 17, 1982, and approved by the Deputy Assistant Secretary - Indian Affairs (Operations) on August 26, 1982.

The land assignments in dispute were issued at various times between 1964 and 1990 by either the Te-Moak Tribal Council or the South Fork Band Council. On April 2, 1997, the Band Council enacted resolutions cancelling the assignments. The Superintendent approved the resolutions on April 30, 1997. Appellants appealed the approvals to the Area Director, who affirmed them on January 5, 1998.

From the materials before the Board, it clearly appears that this matter is now moot. Information furnished by BIA indicates that the Band Council has rescinded the cancellation resolutions. Appellants have failed to respond to the Board's requests for information.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed both because it is moot and because Appellants have failed to prosecute.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge